

WADE'S MIND WEAK, MOTHER TESTIFIES

Couldn't Remember Simplest Prayer, She Says of Accused Slayer.

FATHER SUPPORTS CLAIM

Allenists Will Be Called to Show That He Is Not Responsible for Acts.

Special Despatch to THE NEW YORK HERALD, BRIDGEPORT, Jan. 6.—Mrs. Albert Wade told a jury in court today that her son Elwood, who is on trial for beating George B. Nott to death with an iron bar on last August 29 and then stabbing and shooting him to make the job complete, had such a weak mind when he was a child that he was not able to learn the simplest of prayers.

"I used to sit by his crib night after night," she said, "trying to teach him how to pray. It was only a simple little thing of four lines I wanted him to say:

Now I lay me down to sleep,
I pray the Lord my soul to keep;
If I should die before I wake,
I pray the Lord my soul to take.

"But he was never able to quite grasp it," Wade's mother went on. "He would learn it one night and he would have forgotten it by the next. I tried to teach it to him until he was 10 years old, but he never did learn it. He never did learn how to pray. It was the same with figures and reading. He could not add the simplest columns of figures, and even at the age of 22 he could not read a newspaper without help."

Mrs. Wade was the first witness that the defense put on the stand in its effort to establish the similitude of Wade and prove the contention that he must have been insane when he became infatuated with Mrs. Ethel Hutchins Nott and then beat her husband to death because he objected to their affair and was in his way.

Tell of Insane Relatives.

Previous witnesses for the State have testified that Wade had hired a man to beat Nott up, and had waited several times at the Nott home with him and an axe and a shotgun. The State contends that Wade, while not particularly intelligent, is sane and fully responsible for his acts. The defense tried to show that the man has the physique of an adult but the mind of a boy of 8.

Every witness put on the stand by the defense agrees that Wade was only 8 years old mentally. Several of them told something of the history of the boy's family, declaring that several of his relatives have been inmates of insane asylums, and that others were weak minded, but not quite weak minded enough to be incarcerated. Among the former was the father of Wade's mother, who died in the insane asylum at Middletown, according to the testimony of Louis B. Beardsley, a Monroe farmer, who said he had been acquainted with the elder Wade.

"The boy's grandmother, Mrs. George H. Lewis, was also a bit out of her mind at intervals," said Beardsley. "She used to get mad and swear and she had crazy spells, when nobody could manage her."

To-morrow the defense will bring alienists to the stand, and the hypothetical question period of the trial will begin. Court was adjourned early this afternoon to give Wade's attorneys time to frame a hypothetical question, which will be put to Dr. John C. Lynch of Bellevue Hospital, Dr. A. B. Dieffenbarger, former head of the State Insane Asylum, and other specialists in nervous and mental diseases.

Wade Breaks Down Again.
For the third time since he has been on trial young Wade to-day lost for a time the look of assurance and contempt that he has worn ever since he was arrested. He lost it two or three days ago when he stepped down from the witness stand and kissed Mrs. Nott full upon the lips and was knocked down by a deputy sheriff; he lost it again when Mrs. Nott went on the stand and said that Wade was entirely to blame for the killing of her husband and that she had had nothing to do with it, and he lost it again to-day when his mother told the jury that he had always been simple minded. When Mrs. Wade looked down upon him from the witness stand she began to cry, and Wade also wept. His wife, whom he left after he

became infatuated with Mrs. Nott, sat near, but she did not show any emotion. The prisoner's father followed Mrs. Wade upon the stand. His testimony was similar to what she had said.

"When I learned that Elwood and Mrs. Nott were having an affair," he said, "I remonstrated with him. I also went to the woman's husband, and told him that the boy was not accountable for his actions. Time and again Mrs. Nott promised that she would have nothing more to do with him, but she never kept her promise and neither did Elwood. Mr. Nott said that he did not blame the boy entirely. Elwood would agree to keep away and then Mrs. Nott would telephone him and over he would go again."

NO WOMEN JURORS FOR JUDGE TALLEY

He Pays Tender Tribute to Them as Inspiration of Romance.

Declaring that women approach the problems of life "with the heart and not with the head," Judge Alfred J. Talley, recently appointed to the General Sessions, begged yesterday to be excused from having to preside over a trial in which the female of the species should be called upon to occupy the jury box and judge her fellow woman.

"Woman," says Judge Talley, "will continue to be a creature of infinite variety. Her delicate reserve will always be the very breath of moral life and the basis of her incomparable charm. So long as she is woman her emotional strain will dominate her rational processes, and she will continue to be the inspiration of romance, poetry and art as long as civilization will endure."

Those views were embodied in a letter which Judge Talley sent to Sheriff David H. Knott in reply to a communication soliciting his opinion on the advisability of an amendment to the Judiciary law which would permit women to sit as jurors in this State.

"It is my thought that women should be free from service," Judge Talley wrote. "They should be exempted because of the work which the laws of nature have designed for performance by women is of paramount importance to the welfare of the race."

"Some women may still storm," he opined, "against what they call the inequality of the law, but in their hearts they know that the law of nature is paramount to the law of man. The one is human, finite and fallible. The other is divine, and it is part of a divine plan that woman is destined and qualified for the bearing of the children of the race and for the creation and guardianship of the home, the world and their maintenance in love and honor."

"In the chances of life some women escape from the primary duties of their sex, but laws are not made nor customs formed for the exceptional. Public policy requires that certain laws be made for the protection of women, for no man can be sure that they are women. The highest court in the land has said to the woman: 'The future of the race is of more importance than your right of contract. The maintenance of healthy women and the need for healthy offspring is paramount to your earning capacity and ambition. You are a woman, and the law will protect you even against yourself for the welfare of the Republic.'"

"If it be argued that a woman should have a right to trial by a jury of women, why should not a man over 70, who can not read or write, be accorded the right to declare that a jury possessing the things he lacks are not his peers. There is no reason for doubt that some women would make better jurors than some men, but that observation is not complimentary to women, nor does it qualify them for service."

Judge Talley concluded with the statement that "if one could distinguish between what is a right and what is a duty, and keep that distinction clearly in mind, there should be 'no difficulty in arriving at a satisfactory conclusion of this very interesting discussion.'"

FREIGHTER IS TOWED HERE.

Australasian Went Ashore Wednesday Off Long Beach.

After withstanding the pounding of a heavy sea, the British freighter Australasian, which went ashore Wednesday off Long Beach, was floated and towed into port last night. Several attempts were made by coast guard men to go out to the ship in surf boats, but the sea was running too high.

At high tide last night the coast guard cutter Seneca and a wrecking tug drew the freighter off the shoals.

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TO REVIEW 22D ENGINEERS.

The Twenty-second Engineers, National Guard, of New York city, the first corps of engineers to be reorganized in the National Guard of the United States since the war, will be reviewed by their former commander, Brig-Gen. Cornelius Vanderbilt January 10.

The regiment is now under the command of Col. F. E. Humphreys, graduate of West Point, class of 1906.

Col. Humphreys was the first army aviator to fly alone. At the time, October 26, 1909, he was First Lieut. F. E. Humphreys.

He was also a Major during the world war in the Aviation Corps. He served with the Twenty-second Engineers in 1916 as a Major on the Mexican border.

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WALL ST. WOLF GETS WRIT TO DODGE JAIL

Lamar Contends Year's Sentence to Trenton Included His Atlanta Term.

HEARING SET TO-MORROW

Webb Law, It Is Said, Nullified Conviction With Von Rintelen.

David Lamar, the "Wolf of Wall Street," who is under sentence of one year in the Mercer county penitentiary at Trenton, N. J., but who has been out on \$25,000 bail pending appeal from conviction, appeared voluntarily yesterday at the Federal Building and surrendered to Thomas D. McCarthy, United States Marshal.

Then Lamar appeared before Judge Martin T. Manton, in the United States District Court, with his counsel, Stephen C. Baldwin, and procured a writ of habeas corpus, which will be argued to-morrow morning. His bail of \$25,000 was renewed and he was released.

Lamar was serving a term of two years in Atlanta prison on a felony charge when he was brought back to this city from the prison and tried and convicted with Franz von Rintelen and others of conspiring to restrain foreign trade and commerce by preventing the transportation of munitions to the Allies during the war. He was sentenced to one year in prison in Trenton. He appealed from that conviction, but the United States Circuit Court of Appeals sustained the lower court and an application for a writ of error was dismissed by the United States Supreme Court.

After that dismissal Lamar was ordered to report to the United States Marshal by January 10 to begin his sentence. Lamar surrendered yesterday so that the writ of habeas corpus could be argued before January 10. It was necessary to surrender to the Marshal before the writ could be obtained.

The application for the writ was based on the ground that the Judge of the District Court was without jurisdiction to take the petitioner from Atlanta while he was serving sentence for a felony and place him on trial; that the provisions of the Sherman act relating to foreign commerce were repealed pending the writ of error in the Circuit Court of Appeals by the act of Congress April 10, 1918, known as the Webb act, and that the said amendment does not contain a saving clause for pending prosecutions, and that the legal effect of the judgment as entered by the clerk of the court is that the sentence is to be served at Atlanta and therefore he has served the term.

Francis G. Caffery, Assistant United States Attorney, will represent the Government when arguments are heard.

PALMER LETTER HINTS DEBS'S EARLY RELEASE
Central Trades Council Hears of Promised Action.

A statement that Attorney-General Palmer had promised to release Eugene Debs and other "political prisoners" soon was made at a meeting of the Central Trades and Labor Council at Beechthorn Hall, 210 Fifth street, last night by John Sullivan, president of the council. He said he had received a letter from Mr. Palmer stating that technical requirements were the sole cause of delay in granting the releases.

Resolutions were adopted at the meeting urging Gov. Miller not to oust labor members from the State Industrial Commission.

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CHILDS LOSES PLEA IN ELECTION ACTION

Justice Weeks Decides Indictment Must Stand.

Justice Weeks of the Supreme Court denied yesterday the application for a dismissal of the indictment charging William Hamlin Childs and others with technical violation of the election laws in connection with the report of expenditures for the Mitchell Mayoralty campaign of 1917.

The charges grow out of the fact that Mr. Childs, who was chairman of the executive committee of the Fusion committee, paid \$5,000 to William Sulzer and \$100 to Misha Appelbaum for campaign activities, and that the report on expenditures failed so to state, but merely recorded the payment of this money as a lump sum to Mr. Childs for payment of speakers, advertising and other expenses.

Counsel for Mr. Childs contend that there was no violation of the law in this, and that treasurers of campaign funds invariably report expenditures for speakers without giving the name of each individual orator. They say they have also shown that irregularities listed in reports filed by the supporters of Mayor Hyland, but that no effort was made to indict any of them. These matters, however, could not be considered by Justice Weeks upon the application.

ADMIRAL'S 7 ADOPTED CHILDREN ENTER U. S.
Russian Youngsters Will Live at Anderson, S. C.

Rear Admiral Newton A. McCully's seven Russian youngsters, who arrived with him by the naval supply ship Ramapo on Tuesday and were held up at Ellis Island, greeted him there yesterday with childish enthusiasm usually bestowed on a real father in love with his offspring. The smallest of the bevy of five girls climbed all over him and kissed him when they learned that he was going to take them to his mother's home in Anderson, S. C., after arranging the legal formalities of their adoption.

The young Russian nurse of the smallest of the children also was admitted into the country under bond furnished by the Admiral, and she will leave the house in Anderson, S. C., after arranging the legal formalities of their adoption.

The presentment states that failure to get a proper and efficient canvass of the ballots lies in the fact that "the men who are appointed election officials in the various election districts of this city are, in many cases, untrained, ignorant and absolutely unfitted for their very important duties."

It contains the recommendation to the legislative authorities that laws to remedy the situation be enacted; that voting machines replace the ballot boxes, and that amendments be put through "so that intelligent citizens of a higher order than those who are now engaged in the most important duty of canvassing votes may be enlisted in this work."

"In many cases," the presentment reads, "the election district has within its limits too many voters with the result that it is almost impossible to conduct a proper election within such districts. In many cases the ballot boxes were too small to hold the number of ballots properly cast in certain election districts, with the result that ballots were allowed to remain outside the ballot boxes during the voting, making possible gross frauds."

"Owing to the size of the ballot and the great number of voters, and the inadequacy of the preparations made to receive and to count the vote, election officials in many cases were kept on duty continuously for twenty-four hours or more. This situation is intolerable because it is impossible for men properly to perform the important duties of canvassing the vote under such circumstances."

The presentment characterizes the present election laws as being "loosely drawn and inadequate," and states that election officials in connection with the qualification than the approval of the district captains of the major political parties. These district captains, it says, apparently at times enter into agreements or conspiracies to make certain in advance that the results will meet with their approval.

The total number of persons that have been indicted by this Grand Jury to date for illegalities in connection with the recent election is twenty-one. The persons indicted yesterday are expected to appear for pleading to-day, when the charges against them will be made public.

EXPORTS FROM NEW YORK.
Exports from New York yesterday: Wheat, 83,000 bushels; flour, 5,084 sacks; beef, 60 barrels; hams, 42,590 pounds; barley, 49,813 bushels; pork, 23 barrels; sucrose, 337,500 pounds; lard, 278,700 pounds; cottonseed oil, 1,263,000 pounds; lubricating oil, 44,550 gallons; oil cake, 3,956,400 pounds.

REPUBLICANS TO HONOR GOV. MORTON'S MEMORY
Noted Men to Attend Cathedral Services Next Sunday.

A memorial service, which will be attended by a large delegation from the National Republican Club, will be held in memory of Levi Parsons Morton, former Governor of New York and Vice-President of the United States, at the Cathedral of St. John the Divine on Sunday at 4 P. M. The eulogy will be delivered by the Rev. Charles L. Slatery, rector of Grace Church.

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JURY HERE ASSAILS N. Y. ELECTION LAWS

Indictments Result in Pointing Out Laxity in Many Respects.

OPEN WAY FOR FRAUDS

Men Named as Officials Too Often Are Ignorant and Untrained.

The election laws of this State were severely arraigned yesterday in a presentment which the August additional Grand Jury filed with Judge John F. McIntyre in General Sessions in connection with an indictment charging seven persons, whose names were made public, with having committed criminal offenses at the recent election.

The presentment states that failure to get a proper and efficient canvass of the ballots lies in the fact that "the men who are appointed election officials in the various election districts of this city are, in many cases, untrained, ignorant and absolutely unfitted for their very important duties."

It contains the recommendation to the legislative authorities that laws to remedy the situation be enacted; that voting machines replace the ballot boxes, and that amendments be put through "so that intelligent citizens of a higher order than those who are now engaged in the most important duty of canvassing votes may be enlisted in this work."

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The presentment characterizes the present election laws as being "loosely drawn and inadequate," and states that election officials in connection with the qualification than the approval of the district captains of the major political parties. These district captains, it says, apparently at times enter into agreements or conspiracies to make certain in advance that the results will meet with their approval.

The total number of persons that have been indicted by this Grand Jury to date for illegalities in connection with the recent election is twenty-one. The persons indicted yesterday are expected to appear for pleading to-day, when the charges against them will be made public.

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